



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

August 31, 1993

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

1636 West North Temple, Suite 220
Salt Lake City, Utah 84116-3156
801-538-7240
801-538-7315 (Fax)

TO THE WATER USERS ON THE GREGORY BASIN CANAL:

It has come to our attention that there is a problem relating to the distribution and measurement of water along the Gregory Basin Canal. It is our understanding there is an adequate measuring device at the head of the canal, but there are questions about the division of water between Gino Fioanini's diversions along the canal and the Hoops Lake water users at the end of the canal on Burnt Fork.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. ... If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such headgates, caps, valves, flumes or measuring devices after thirty days notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement."

It appears there is a need for additional measuring devices and control structures along the canal to allow the commissioner to adequately distribute the water. Therefore, you are hereby notified that the following structures must be installed prior to the start of the 1994 irrigation season:

The Hoop Lake water users are to install a measuring device just downstream of Gino's last diversion from the canal. This device will be used along with the flume at the head of the canal to determine the appropriate split to each water user.

Gino is to install a lockable headgate at each of his diversions from the canal so the delivery of water can be adequately regulated.

Those users who do not comply will receive an order from the State Engineer requiring that the diversion be closed until such time as the required measuring device or headgates are installed. The State Engineer may pursue legal action if necessary to enforce compliance with the order.

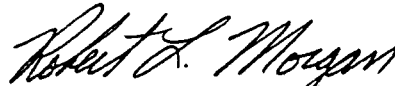
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Once the structures are installed, the Division of Water Rights will determine the transmission loss in the canal between the flume at the head of the canal and the measuring device below Gino's diversions. This transmission loss will be divided proportionately between the water users according to the amount of flow being carried by each in the canal. The amount of water diverted into the canal will be based either on the direct flow rights of the water users or the amount of Hoops Lake storage water released for the users on Burnt Fork.

This letter commences informal adjudicative proceedings to be conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

If you have any questions concerning this notice please contact Bob Leake (781-5327) or Lee Sim (538-7380).

Sincerely,



Robert L. Morgan, P.E.
State Engineer

cc: Bob Leake
Jim Hickey
Lee Sim
John Mabey
Jade Henderson
John Yarborough